

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Jorge LaTorre,

Case No. 2:23-cv-01380-APG-EJY

Plaintiff,

ORDER

v.

Brown, *et al.*,

Defendants.

On September 6, 2023, Plaintiff submitted an incomplete application to proceed *in forma pauperis* (“IFP”) together with a Civil Rights Complaint under 42 U.S.C. § 1983. ECF Nos. 1-1, 1-2). Plaintiff filed a second incomplete IFP application three days later. ECF No. 3. Plaintiff filed a third incomplete IFP application a week after that. ECF No. 4. Plaintiff failed to include a financial certificate completed by a prison or jail official and an inmate trust fund account statement for the previous six-month period with any application. The first page of the application form is also missing from Plaintiff’s original submission. Plaintiff, however, has filed affidavits stating he sought his required financial documents from prison officials, but those officials either failed or refused to provide the documents requested. ECF Nos. 1-1 at 17–18; 4 at 4. Plaintiff asks the Court to order prison officials provide his financial documents. ECF Nos. 1-1 at 18, 4 at 5.

Plaintiff requests an order directing prison officials to provide his financial documents. This request is not reasonable or supported by good cause. Plaintiff’s affidavits provide no details regarding the requests for financial documents Plaintiff says he submitted to prison officials such as when Plaintiff submitted those requests or to whom. Plaintiff’s affidavits also do not state whether Plaintiff sought an update about his financial documents from prison officials and, if so, details including who Plaintiff communicated with, when he communicated or what responses, if any, he received. The Court finds Plaintiff has, however, shown good cause exists to extend the deadline for him to either pay the filing fee or apply for IFP status.

IT IS THEREFORE ORDERED that the original and second applications to proceed *in forma pauperis* (ECF Nos. 1-1 at 15–16; 1-2; 4) are DENIED without prejudice.

1 IT IS FURTHER ORDERED that the affidavits (ECF Nos. 1-1 at 17-18; 4 at 4-5) are
2 construed as motions for an order requiring prison officials to act, which are DENIED without
3 prejudice.

4 IT IS FURTHER ORDERED that on or before **October 31, 2023**, Plaintiff must either pay
5 the \$402 filing fee for a civil action or file with the Court: (1) a **Financial Certificate** properly
6 signed by both the inmate and a prison or jail official and (2) a copy of the **inmate's prison or jail**
7 **trust fund account statement for the previous six-month period**.

8 IT IS FURTHER ORDERED that failure to comply with this Order on or before **October**
9 **31, 2023**, will result in a recommendation to dismiss this action **without prejudice**. A dismissal
10 without prejudice allows Plaintiff to file his case with the Court, under a new case number, when he
11 is able to comply with LSR 2-1 and file a complete application to proceed *in forma pauperis* or pay
12 the required filing fee.

13 IT IS FURTHER ORDERED that the Court will retain Plaintiff's Complaint (ECF No. 1-1
14 at 1-14), but will not file it at this time.

15 IT IS FURTHER ORDERED that the Clerk of the Court must send Plaintiff the approved
16 form application to proceed *in forma pauperis* for inmate along with the information and instructions
17 for filing the same.

18 DATED this 28th day of September, 2023.

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21 ELAYNA J. YOUCHAK
22 UNITED STATES MAGISTRATE JUDGE
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